



Public Notice

**U.S. Army Corps
Of Engineers
Galveston District**

Permit Application No: 23434
Date Issued: 17 August 2004
Comments Due: 17 September 2004

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Port Pelican LLC.
1111 Bagby Street, Suite 2650
Houston, Texas 77002-2543

AGENT: Chevron Texaco Global Gas
One Fluor Daniel Drive, A5-571E
Sugar Land, Texas 77478-3838
Telephone: 281-263-6026
POC: Mike DeNicola

LOCATION: The project is located within the McDermott International facilities on Harbor Island, west of State Highway (SH) 361, north of the city of Port Aransas, and adjacent to the Corpus Christi Ship Channel (CCSC) in Corpus Christi Bay, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port Aransas, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 14; Easting: 689000; Northing: 3081500. The applicant proposes to perform mitigation at a site located to the west of the intersection of Business SH 35 and 16th Street, 1.5 miles south and west of Rockport, Aransas County, Texas. The mitigation site can be located on the U.S.G.S. quadrangle map entitled: Estes, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 14; Easting 689000; Northing: 3097900.

PROJECT DESCRIPTION: The applicant proposes to construct two gravity-based structures (GBS's) to be used in a liquefied natural gas facility at a deepwater port off the Louisiana coast. The GBS's would be constructed in a dry dock (graving dock) excavated on the site. Approximately 2.6 million cubic yards of material would be excavated mechanically to create the 35-acre graving dock facility with a depth of 50 feet below mean sea level. The material would be transported to the Port of Corpus Christi Authority Placement Area No. 4 (PA 4) and a portion of the material would be used to raise levees around the perimeter of PA 4. Construction of a graving dock gate would involve the placement of fill into approximately 1.3 acres of shallow water habitat (water depth less than - 4 feet mean low tide (MLT)) to an approximate 25-foot fill depth with sheet pilings installed to avoid the sloughing of any material into the bay. An additional 0.59 acre of jurisdictional wetland, consisting of 0.06 acre of Spartina alterniflora emergent marsh and 0.53 acre of upper salt marsh, would also be impacted by the construction of the proposed graving dock gate. When construction of the GBS's nears completion, a hydraulic dredge would be used to dredge a channel from the CCSC to the graving dock gate. The channel would vary in width from 450 feet near the gate to 1,050 feet at its junction with the CCSC, and would be approximately 1,800 feet in length. Approximately 27 acres of open water habitat (greater than - 4 feet MLT) would be impacted by the proposed dredging. This channel would be dredged to a depth of -50 feet MLT. The graving dock facility would then be flooded, the sheet piles in the gate would be removed, and the earthen gate would be excavated hydraulically. Approximately 1.7 million cubic yards of material would be dredged out of the channel and the gate area and placed in PA 4. The GBS's would be floated out of the graving dock and then towed through the CCSC and out into the Gulf of Mexico. Following GBS's float-out operations the graving dock would remain flooded and open to the channel. As compensation for the impacts to 1.89 acres of jurisdictional waters and wetlands, the applicant proposes to create and enhance coastal marsh habitat at a site located to the north of the project site. The applicant's plans are enclosed in 9 sheets and 4 mitigation plan sheets for a total of 13 pages.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

Although this project would result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold), the best management practices (BMP's) available on the BMP checklist form are not applicable to this project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the U.S. Army Corps of Engineers (Corps) and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application, a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted would adversely affect such interest.

The return water from the upland contained disposal area requires authorization under Nationwide Permit (NWP) 16. However, NWP 16 has been administratively denied, without prejudice, by the Southwestern Division of the Corps. Therefore, individual Section 401-water quality certification from TCEQ for the return water from the upland contained disposal area is required. Prior to the performance of hydraulic dredging, the applicant will obtain a Clean Water Act Section 401 water quality certification from the Texas Commission on Environmental Quality for the effluent or return water. A copy of the 401 certification must also be furnished to the Corps district office listing in this public notice prior to performing hydraulic dredging.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **17 September 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

Marie C. Pattillo
Regulatory Branch, CESWG-PE-RCC
U.S. Army Corps of Engineers
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Corpus Christi, Texas 78411-4318
361-814-5847 Phone
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